

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance: Claims 1-5, 7-9 and 25-30 are allowed over the prior art of record. Current invention teaches a collection of particles in a powder comprising crystalline zinc oxide, where the specifics of "the collection of particles have an average diameter less than about 95 nm and a distribution of particle sizes such that at least 95 percent of the particles have a diameter greater than about 40 percent of the average diameter and less than about 160 percent of the average diameter" is claimed. All of Applicant's arguments, and specifically applicant's clarification of the term particle, in the brief filed 1/21/05, pages 10-11, where "as disclosed and claimed by Appellants it is clear that the claimed term particle is referring to physical particles or secondary particles, and not to fuse primary particles" are incorporated into this reasons for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to K. Richard Lee whose telephone number is (571)272-1994. The examiner can normally be reached on M and W-F from 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin G. Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. Richard Lee/
Primary Examiner, Art Unit 2832